

**APPEARANCE FORM (CIVIL)**  
**INITIATING PARTY**

Case Number: \_\_\_\_\_

1. ELIZABETH ELAINE BURLESON  
Name of first initiating party

2. Attorney information (as applicable for service of process):

Donald L. Poynter, #19529-53  
**POYNTER & BUCHERI, LLC**  
4202 Madison Avenue  
Indianapolis, IN 46227  
317-780-8000  
317-780-7050-fax  
[don@pb-law.com](mailto:don@pb-law.com)

John D. Norman, #34714-41  
**POYNTER & BUCHERI, LLC**  
4202 Madison Avenue  
Indianapolis, IN 46227  
317-780-8000  
317-780-7050-fax  
[john@pb-law.com](mailto:john@pb-law.com)

Matthew W. Kappus, #35807-49  
**POYNTER & BUCHERI, LLC**  
4202 Madison Avenue  
Indianapolis, IN 46227  
317-780-800  
317-780-7050-fax  
[Pblaw.mwkappus@gmail.com](mailto:Pblaw.mwkappus@gmail.com)

- |    |                          |     |
|----|--------------------------|-----|
| 3. | Will accept fax service. | NO  |
| 4. | Case Type Requested:     | CT  |
| 5. | There are related cases: | NO  |
| 6. | Service with summons.    | YES |

Respectfully Submitted,  
  
POYNTER & BUCHERI, LLC

**John D. Norman**  
Donald L. Poynter, #19529-53  
John D. Norman, #34714-41  
Matthew W. Kappus, #35807-49  
*Attorneys for Plaintiff*

**SUMMONS**

**IN THE MARION COUNTY SUPERIOR AND CIRCUIT COURTS**

ELIZABETH ELAINE  
BURLESON,  
Plaintiff,

Cause No.

v.

CAMPING WORLD, INC.  
d/b/a GANDER OUTDOORS,  
Defendant.

TO DEFENDANT:           Name: CT Corporation System  
                                  Address: 334 North Senate Avenue  
                                  Indianapolis, IN 46204

**(as registered agent for:)**

Camping World, Inc.  
650 Three Springs Road  
Bowling Green, KY 42104

You have been sued by the person(s) named "Plaintiff," in the Court stated above.

The nature of the suit against you is stated in the complaint, which is attached to this document.

It also states the demand, which the plaintiff has made and wants from you.

You must answer the complaint in writing, by you or your attorney, within twenty (20) days, commencing the day after you received this summons, or judgment will be entered against you for what the plaintiff has demanded.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

Clerk is ordered to cause service to be made by: **Certified Mail.**

Date: 10/14/2020

Myla A. Eldridge  
Clerk, Marion County

Donald L. Poynter, #19529-53  
John D. Norman, #34714-41  
Matthew W. Kappus, #35807-49  
**POYNTER & BUCHERI, LLC**  
4202 Madison Avenue  
Indianapolis, IN 46227  
317-780-8000  
317-780-7050-fax



STATE OF INDIANA

MARION COUNTY SUPERIOR/CIRCUIT COURT

COUNTY OF MARION

CAUSE NO.:

ELIZABETH ELAINE  
BURLESON,  
Plaintiff,

v.

CAMPING WORLD, INC.  
d/b/a GANDER OUTDOORS,  
Defendant.

**COMPLAINT FOR DAMAGES**  
**AND REQUEST FOR TRIAL BY JURY**

COMES NOW Plaintiff, by counsel, and alleges and states as follows:

1. The incident complained of (hereinafter referred to as the “incident”) was an incident that occurred on or about December 11, 2018.

2. At the time of the incident, Plaintiff Elizabeth Elaine Burleson (hereinafter referred to as “Plaintiff”) resided at 2301 South Arthur Road, Paragon, Morgan County, Indiana.

3. Defendant Camping World, Inc. d/b/a Gander Outdoors, (hereinafter “Defendant”), is a foreign for-profit corporation authorized to conduct business in the State of Indiana.

4. At the time of the incident, Defendant owed, operated and/or managed the Gander Outdoors store (hereinafter, the “Premises”) located at 5702 East 86<sup>th</sup> Street, Indianapolis, Marion County, Indiana.

5. At the time of the incident, Defendant maintained the store merchandise displays located at 5702 East 86<sup>th</sup> Street, Indianapolis, Marion County, Indiana.

6. At the time of the incident, Plaintiff was a lawful business invitee at the Premises.

7. At the time of the incident, Defendant exercised control of all areas of the Premises.

8. Defendant owed Plaintiff a duty to exercise reasonable care to eliminate dangers and defects in those areas of the Premises commonly used by Plaintiff.

9. On or about December 11, 2018, Plaintiff was shopping when a kayak display became insecure and a kayak hit Plaintiff at the Premises.

10. Defendant knew or should have known of the condition and nature of the displays at the Premises, and knew or should have known that the condition and nature of the displays at the Premises created an unreasonable risk of harm to Defendant's business invitees, including Plaintiff.

11. At all times alleged herein, Plaintiff exercised ordinary care for her own safety.

12. At the time of the incident, Defendant was at fault for the incident in this matter.

13. At the time of the incident, Defendant was negligent in this matter.

14. At the time of the incident, Plaintiff was not at fault for the incident in this matter.

15. At the time of the incident, Plaintiff was not negligent in this matter.

16. At the time of the incident and at the Premises, Defendant was careless and negligent in one or more of the following respects:

- a. Defendant failed to properly supervise the common areas in question so as to furnish Plaintiff a safe walkway, free from hazards which were recognized or should have been recognized by Defendant as causing or likely to cause the serious physical harm to Plaintiff and others;
- b. Defendant failed to secure their merchandise, to wit, kayaks, to avoid merchandise falling onto their business invitees, including Plaintiff;
- c. Defendant carelessly and negligently failed to maintain the areas commonly utilized by its business invitees on the Premises in a reasonably safe condition;
- d. Defendant carelessly and negligently failed to correct the unsafe condition of the Premises where Plaintiff was injured;

- e. Defendant carelessly and negligently permitted persons, including Plaintiff, to use the area of the Premises when it knew or should have known that said area was in dangerous and hazardous condition.
- f. Defendant carelessly and negligently failed to inspect the dangerous condition existing at the Premises;
- g. Defendant carelessly and negligently failed to warn persons, including Plaintiff, of the dangerous and hazardous conditions of the Premises where Plaintiff was injured;
- h. Defendant carelessly and negligently failed to mark the dangerous and hazardous conditions of the Premises where Plaintiff was injured;
- i. Defendant failed otherwise to comply with the applicable laws and regulations of the State of Indiana and the applicable Federal laws and regulations; and,
- j. Any and all other breaches by Defendant of the reasonable standard of care to prevent the aforementioned injury on the Premises.

17. The act and/or omissions of Defendant herein alleged were performed and/or omitted by and through the agents, servants, and employees of Defendant while they were acting within the course and scope of their employment.

18. As a direct and proximate result of Defendant's negligence and breach of duty, Plaintiff:

- a. has sustained physical pain and mental suffering, and it is likely physical pain and mental suffering will be experienced in the future, as a result of the injuries sustained in connection with the collision;
- b. has incurred reasonable expenses for necessary medical care, treatment and services, and it is likely expense
- c. for future medical care, treatment and service will also be incurred;
- d. may have lost or suffered an impairment of earning capacity;
- e. may have sustained bodily disfigurement or deformity; and
- f. may have been otherwise damaged and injured.

WHEREFORE, Plaintiff, by counsel, prays and demands judgment against Defendant for damages in a sum sufficient to compensate Plaintiff for any and all damages and injuries

suffered as a proximate result of Defendant's negligence and breach of duty, for costs of this action, and for all other just proper relief.

Respectfully submitted,

POYNTER & BUCHERI, LLC

**John D. Norman**

Donald L. Poynter, #19529-53

John D. Norman, #34714-41

Matthew W. Kappus, #35807-49

*Attorneys for Plaintiff*

**REQUEST FOR TRIAL BY JURY**

COMES NOW Plaintiff, by counsel, and requests trial by jury of all issues in this cause of action.

Respectfully submitted,

POYNTER & BUCHERI, LLC

**John D. Norman**

Donald L. Poynter, #19529-53

John D. Norman, #34714-41

Matthew W. Kappus, #35807-49

*Attorneys for Plaintiff*

**POYNTER & BUCHERI, LLC**

4202 Madison Avenue

Indianapolis, IN 46227

317-780-8000

317-780-7050-fax

**SUMMONS**

IN THE MARION COUNTY SUPERIOR & CIRCUIT COURTS

ELIZABETH ELAINE  
BURLESON,  
Plaintiff,

Cause No. 49D13-2010-CT-036202

v.

CAMPING WORLD, INC.  
d/b/a GANDER OUTDOORS,  
Defendant.

**CERTIFICATE OF ISSUANCE OF SUMMONS**

To the Clerk of the Circuit and Superior Courts of Marion County:

1. On October 13, 2020, Plaintiff's Appearance, Summons and Complaint were filed in this matter. On October 13, 2020, Plaintiff requested services of process **via certified delivery**.
2. On October 15, 2020, Plaintiff mailed a file-stamped copy of the Appearance, Summons and Complaint to CT Corporation System, 334 North Senate Avenue, Indianapolis, IN 46204, as registered agent for Defendant Camping World, Inc., 650 Three Springs Road, Bowling Green, KY 42104 under Tracking #7019 2280 0001 6225 6388.

Respectfully Submitted,

POYNTER & BUCHERI, LLC

10/19/2020  
DATE

/s/ Donald L. Poynter  
Donald L. Poynter, #19529-53  
John D. Norman, #34714-41  
Matthew W. Kappus, #35807-49  
*Attorneys for Plaintiff*

**POYNTER & BUCHERI, LLC**  
4202 Madison Avenue  
Indianapolis, IN 46227  
317-780-8000  
317-780-7050-fax



**SUMMONS**

IN THE MARION COUNTY SUPERIOR AND CIRCUIT COURTS

ELIZABETH ELAINE  
BURLESON,  
Plaintiff,

Cause No. 49D13-2010-CT-036202

v.

CAMPING WORLD, INC.  
d/b/a GANDER OUTDOORS,  
Defendant.

**AFFIDAVIT OF SERVICE**

To the Clerk of the Circuit and Superior Courts of Marion County:

1. Please see the attached Exhibit "A" which shows that CT Corporation System, 334 North Senate Avenue, Indianapolis, IN 46204, as registered agent for Defendant Camping World, Inc. d/b/a Gander Outdoors, 650 Three Springs Road, Bowling Green, KY 42104 was served on October 19, 2020 under Tracking #7019 2280 0001 6225 6388.

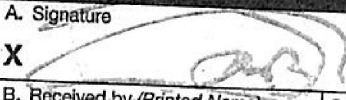

Respectfully submitted,

POYNTER & BUCHERI, LLC

**10/23/2020**  
DATE

**/s/ Donald L. Poynter**  
Donald L. Poynter, #19529-53  
John D. Norman, #34714-41  
Matthew W. Kappus, #35807-49  
*Attorneys for Plaintiff*

Donald L. Poynter, #19529-53  
John D. Norman, #34714-41  
Matthew W. Kappus, #35807-49  
**POYNTER & BUCHERI, LLC**  
4202 Madison Avenue  
Indianapolis, IN 46227  
317-780-8000  
317-780-7050-fax

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																	
<p>1. Article Addressed to:</p> <p>CT Corporation System 334 North Senate Ave Indianapolis, IN 46204</p>	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>																
<p> 9590 9402 5971 0062 4735 54</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>2. Article Number (Transfer from service label)</p> <p>7019 2280 0001 6225 6388</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Registered Mail Restricted Delivery (\$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Registered Mail Restricted Delivery (\$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																	
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																	
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																	
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																	
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																	
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																	
<input type="checkbox"/> Insured Mail																		
<input type="checkbox"/> Registered Mail Restricted Delivery (\$500)																		

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



FAQs >

Track Another Package +

Tracking Number: 70192280000162256388

Remove X

Your item was delivered at 10:31 am on October 19, 2020 in INDIANAPOLIS, IN 46204.

 **Delivered**

October 19, 2020 at 10:31 am  
Delivered  
INDIANAPOLIS, IN 46204

Feedback

Get Updates ▾

Text & Email Updates	▾
Tracking History	▾
Product Information	▾

See Less ^

**Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

94913

STATE OF INDIANA

MARION SUPERIOR COURT NO. 13

COUNTY OF MARION

CAUSE NO. 49D13-2010-CT-36202

ELIZABETH ELAINE BURLESON,

Plaintiff,

v.

CAMPING WORLD, INC. d/b/a GANDER  
OUTDOORS,

Defendant.

**E-FILING APPEARANCE BY ATTORNEY UNDER TRIAL RULE 3.1**

1. The party on whose behalf this form is being filed is: Responding

The undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

**CWI, Inc. (incorrectly sued as “CAMPING WORLD, INC. d/b/a GANDER  
OUTDOORS”)**

2. Attorney information for service as required by Trial Rule 5(B)(2):

Leslie B. Pollie	Atty. No. #25716-49
KOPKA PINKUS DOLIN PC	Telephone: 317-818-1360
550 Congressional Blvd., Suite 310	Facsimile: 317-818-1390
Carmel, IN 46032	Email: lbpollie@kopkalaw.com

**IMPORTANT:** Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R.

2(A).

3. This is a civil tort case type as defined in administrative Rule 8(B)(3)
4. I will accept service by:  
Fax at the above noted number: NO  
Email at the above noted address: YES
5. This case involves child support issues: NO
6. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order: NO
7. This case involves a petition for involuntary commitment: NO
8. Are there related cases: NO
9. Additional information required by local rule: NONE
10. Are there other party members: NO
11. This form has been served on all other parties and Certificate of Service is attached: YES

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Leslie B. Pollie

Leslie B. Pollie, Atty No. 25716-49

Attorneys for Defendant

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2020, I electronically filed the foregoing document using the Indiana eFiling System (IEFS). I further certify that the following persons were served on the same date using the IEFS:

Donald L. Poynter  
John D. Norman  
Matthew W. Kappus  
Poynter & Buckeri, LLC  
4202 Madison Avenue  
Indianapolis, IN 46227

[don@pb-law.com](mailto:don@pb-law.com)

[john@pb-law.com](mailto:john@pb-law.com)

[pblaw.mwkappus@gmail.com](mailto:pblaw.mwkappus@gmail.com)

*Attorneys for Plaintiff*

By: /s/ Leslie B. Pollie

Leslie B. Pollie

KOPKA PINKUS DOLIN PC

550 Congressional Boulevard

Suite 310

Carmel, IN 46032

(317) 818-1360 | office

(317) 818-1390 | fax

[lbpollieo@kopkalaw.com](mailto:lbpollieo@kopkalaw.com)

94913

STATE OF INDIANA

MARION SUPERIOR COURT NO. 13

COUNTY OF MARION

CAUSE NO. 49D13-2010-CT-36202

ELIZABETH ELAINE BURLESON,

Plaintiff,

v.

CAMPING WORLD, INC. d/b/a GANDER  
OUTDOORS,

Defendant.

**DEFENDANT'S NOTICE OF AUTOMATIC ENLARGEMENT OF TIME**

Defendant CWI, Inc. (incorrectly sued as "Camping World, Inc. d/b/a Gander Outdoors"), by counsel, Leslie B. Pollie of Kopka Pinkus Dolin PC, respectfully moves the Court for an automatic enlargement of time to respond to Plaintiff's Complaint, pursuant to Ind. Trial Rule 6(B)(1) and Marion Circuit and Superior Courts Civil Rule 203(D), and states:

1. That no prior extensions have been requested.
2. On information and belief, Defendant was notified of Plaintiff's claim on October 23, 2020, and its responsive pleading is due on Monday, November 16, 2020, which has not yet passed.
3. The date to which said extension of time would automatically extend is December 16, 2020.
4. That such extension of time is necessary for Defendant's attorney to properly investigate the allegations in the Plaintiff's Complaint in order to adequately respond to the Plaintiff's Complaint.

WHEREFORE, Defendant CWI, Inc. (incorrectly sued as “Camping World, Inc. d/b/a Gander Outdoors”), by counsel, files its Notice of Automatic Enlargement of Time of 30 days, up to and including December 16, 2020.

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Leslie B. Pollie  
Leslie B. Pollie, Atty No. 25716-49  
Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2020, I electronically filed the foregoing document using the Indiana eFiling System (IEFS). I further certify that the following persons were served on the same date using the IEFS:

Donald L. Poynter  
John D. Norman  
Matthew W. Kappus  
Poynter & Buckeri, LLC  
4202 Madison Avenue  
Indianapolis, IN 46227  
[don@pb-law.com](mailto:don@pb-law.com)  
[john@pb-law.com](mailto:john@pb-law.com)  
[pblaw.mwkappus@gmail.com](mailto:pblaw.mwkappus@gmail.com)  
*Attorneys for Plaintiff*

/s/ Leslie B. Pollie  
Leslie B. Pollie

KOPKA PINKUS DOLIN PC  
550 Congressional Boulevard  
Suite 310  
Carmel, IN 46032  
(317) 818-1360 | office  
(317) 818-1390 | fax  
[lbpollio@kopkalaw.com](mailto:lbpollio@kopkalaw.com)